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8 Attorneys for the Federal Defendant
UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 TAMEKA WILLIAMS, RONNIE GEE,) Case No. 16-cv-02256
13 CHRISTY GEE, and JOHNNY TERRELL,)
14 HEIRS TO JERAINE FULLER, DECEASED;)

15 Plaintiffs,)

16 v.)

17 INSTITUTE ON AGING; HOMEBRIDGE,)
18 INC.; SAN FRANCISCO MEDICAL CENTER)
19 OUTPATIENT IMPROVEMENT)
PROGRAMS, INC.; SOUTH OF MARKET)
HEALTH CENTER WESTBROOK, LLC; and)
DOES 1-100, INCLUSIVE,)

20 Defendants.)

NOTICE OF REMOVAL

21 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
22 DISTRICT OF CALIFORNIA:

23 PLEASE TAKE NOTICE that the United States of America hereby removes to the United States
24 District Court for the Northern District of California the state action filed in the Superior Court of the
25 State of California for the County of San Francisco, under Case No. CGC 15-549462, as more fully
26 described below, pursuant to 28 U.S.C. §§ 1441(a), 1442(a)(1), 1446(d), and 2679(d)(2).

27 1. On or about September 30, 2015 plaintiffs Tameka Williams, Ronnie Gee, Christy Gee,
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NOTICE OF REMOVAL
CASE NO. 16-CV-02256

1 and Johnny Terrell, filed Complaint for Negligence, Willful Misconduct, Intentional Infliction of
 2 Emotional Distress, Elder Abuse, Personal Injury, and Wrongful Death” (“Complaint”) against Institute
 3 on Aging, Homebridge, Inc., San Francisco Medical Center Outpatient Improvement Programs, Inc.,
 4 and South of Market Health Center Westbrook, LLC (collectively with San Francisco Medical Center
 5 Outpatient Improvement Programs, Inc. “SMHC”) in the Superior Court of the State of California for
 6 the County of San Francisco; it was assigned Case No. CGC 15-549462 (the “state court action”). A
 7 copy of the Complaint is attached hereto as **Exhibit 1**.

8 2. In the Complaint, plaintiffs allege that on or about from September 29, 2014 to January
 9 16, 2016, defendants failed to properly diagnose and treat Jeraine Fuller’s medical condition and as a
 10 result, she died on January 16, 2016.

11 3. On April 21, 2016, the United States Attorney’s Office received notification from the
 12 United States Department of Health and Human Services regarding this pending action. The summons
 13 and complaint filed in the Superior Court of the State of California for the County of San Francisco have
 14 not been served on the either the United States Attorney for the Northern District of California or the
 15 Attorney General of the United States at Washington, D.C., which must be served pursuant to Rule
 16 4(1)(1)(A)(i)(ii) of the Federal Rules of Civil Procedure.

17 4. This action must be removed to federal district court pursuant to the Federal Tort Claims
 18 Act (“FTCA”), 28 U.S.C. § 1442(a)(1) and the Federally Supported Health Centers Assistance Act, 42
 19 U.S.C. § 233(g)-(n) because this tort action is brought against SMHC, which is a federally supported
 20 health center.¹ SMHC was deemed eligible for FTCA malpractice coverage and its employees were
 21 covered under the FTCA on January 1, 2013, January 1, 2014, January 1, 2015, and January 1, 2016.

22 5. As a FTCA action, this action is one arising under the constitution and laws of the United
 23 States, and it is therefore an action over which the district courts of the United States have original
 24 jurisdiction. *See* 28 U.S.C. § 1331. It is removable to this court pursuant to 28 U.S.C. §§ 1441(a) and
 25 1442(a)(1) because plaintiff seeks monetary damages from the United States of America.

27 ¹ The proper name of the relevant Federally Supported Health Center is San Francisco Medical
 28 Center Outpatient Improvement Programs, Inc., d/b/a South of Market Health Center.

1 6. Pursuant to Civil L.R. 3-2(c) and Civil L.R. 3-2(d), assignment to either the San
2 Francisco Division or the Oakland Division of the United States District Court for the Northern District
3 of California is proper, since the action was filed in Alameda County.

4 7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the
5 Clerk of the Superior Court of the State of California for the County of San Francisco, and promptly
6 served on plaintiffs.

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8 DATED: April 26, 2016

Respectfully submitted,

9 BRIAN J. STRETCH
10 United States Attorney

11 /s/ Ann Marie Reding
ANN MARIE REDING
12 Assistant United States Attorney
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